IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.6447 OF 2006

Mr. Vikas Tukaram Koli ..Petitioner

Vs.

The Collector, Sangli & Ors...Respondents

Mr. K.R. Jagdale, for the Petitioner
Mr. P.P. Kakade, AGP for Respondents.

CORAM : F.I. REBELLO &
S.J.VAZIFDAR, JJ.
DATED : 13TH FEBRUARY 2007

P.C.

. The petitioner was dismissed from service by order dated 10th March, 2006 as he was convicted in Special Case No.2 of 2001 by the Special Judge on 5th May, 2004. The order of conviction was challenged by the petitioner in this Court by filing Criminal Appeal No.689 of 2004. The sentence was suspended pursuant to which the petitioner is on bail. There is no stay or suspension of his conviction.

2. The petitioner aggrieved by the action of dismissal filed Original Application No.312 of 2006 which came to be disposed of on 13th July, 2006 dismissing the O.A. The learned Counsel for the petitioner submits that the order of the learned Tribunal suffers from an error apparent on the face of the record in as much as once the sentence was suspended it was not open to the Collector to pass the order of dismissed. We are afraid we cannot subscribe the argument advanced. All that has happened is suspension of sentence and not the stay of conviction. It was, therefore, open to the Disciplinary Authority to have acted on the

judgment of the Special Court. We find, therefore, no case for interference..

3. If, however, the petitioner is ultimately honourably acquitted it will be open to the petitioner to make representation and that will be disposed of according to law. With the above observation, petition stands disposed of. No order as to costs.

(**F.I. REBELLO**, J)

(**S.J.VAZIFDAR, J)**